

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE TRICOR INDIRECT PURCHASER ANTITRUST LITIGATION	)	Civil Action No. 05-00360 (KAJ)(consolidated)
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THIS DOCUMENT RELATES TO:	)	
PAINTERS' DISTRICT COUNCIL NO. 30 HEALTH AND WELFARE FUND and RICHARD G. WILDE, C.A. No. 05-360(KAJ)	)	
VISTA HEALTH PLAN, INC. and ROSS LOVE, C.A. No. 05-365 (KAJ)	)	
PENNSYLVANIA EMPLOYEES BENEFIT TRUST FUND, C.A. No. 05-390 (KAJ)	)	
ALLIED SERVICES DIVISION WELFARE FUND and HECTOR VALDES, C.A. No. 05- 394 (KAJ)	)	
DIANA KIM, C.A. No. 05-426 (KAJ)	)	
ELAINE M. PULLMAN, NEIL PERLMUTTER, HELENA PERLMUTTER and LULA RAMSEY, C.A. No. 05-450 (KAJ)	)	
PHILADELPHIA FEDERATION OF TEACHERS HEALTH AND WELFARE FUND, C.A. No. 05-467 (KAJ)	)	
CINDY CRONIN, C.A. No. 05-482 (KAJ)	)	
CHARLES SHAIN and SANDRA KRONE, C.A. No. 05-475 (KAJ)	)	
LOCAL 28 SHEET METAL WORKERS, C.A. No. 05-516 (KAJ)	)	
ALBERTO LITTER, C.A. No. 05-695 (KAJ)	)	

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**INDIRECT PURCHASER PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

1. Pursuant to the Scheduling Order (D.I. #47) as amended (D.I. #86, D.I. #106), Indirect Purchaser Plaintiffs (“End-Payor Plaintiffs”) hereby move this Court for an Order certifying the following proposed Class pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(2) and 23(b)(3):

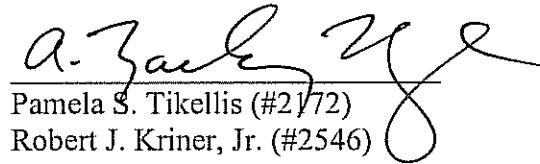
All persons or entities in the United States and its territories who purchased, paid and/or reimbursed for fenofibrate products, including TriCor® tablets and TriCor® capsules, intended for consumption by themselves, their families, or their members, employees, plan participants and beneficiaries or insureds (the “Class”) during the period from April 9, 2002 through such time in the future as the effects of Defendants’ illegal conduct, as alleged [in End-Payor Plaintiffs’ Consolidated Class Action Complaint [D.I. 24]], have ceased (the “Class Period”). Excluded from the Class are all Defendants and their respective subsidiaries and affiliates, all governmental entities (except for government-funded employee benefit funds), and all persons or entities that purchased fenofibrate products: (i) for purposes of resale, or (ii) directly from any of the Defendants.

2. In Support of their Motion, End-Payor Plaintiffs have concurrently filed their Brief in Support of their Motion for Class Certification, the Expert Report of Charles King III, and the Declaration of Christopher J. McDonald.

WHEREFORE, End-Payor Plaintiffs respectfully request entry of the attached Order granting this Motion.

Dated: May 8, 2006

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